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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/066,039	01/31/2002	Rade Petrovic	SOL-166	3932
20028	7590	10/18/2005	EXAMINER	
Lipsitz & McAllister, LLC 755 MAIN STREET MONROE, CT 06468			LEMMA, SAMSON B	
		ART UNIT		PAPER NUMBER
				2132
DATE MAILED: 10/18/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/066,039	PETROVIC, RADE
	Examiner Samson B. Lemma	Art Unit 2132

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 31 January 2002.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-72 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) 36 and 72 is/are allowed.
- 6) Claim(s) 1-8, 15, 17-21, 23-25, 33-35, 37-44, 51, 53-57, 59-61 and 69-71 is/are rejected.
- 7) Claim(s) 9-14, 16, 22, 26-32, 45-50, 52, 58 and 62-68 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>3 & 05/18/05</u> | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. **Claims 1-72** have been examined.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. **Claims 11-13, 28-30, 47-49 and 64-66** is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims **11-13, 28-30, 47-49 and 64-66** recites the term “relevant”. It is a vague term and also ambiguous. It does not have a clear and well defined meaning. It has not been considered when this case is examined.
4. **Claims 14, 31, 50 and 67** depend from the rejected claims **13, 30, 49 and 66** respectively, and include all the limitations of the respective claims, thereby rendering those dependent claims indefinite.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

6. **Claims 1-8, 15, 17-21, 23-25, 33-35, 37-44, 51, 53-57, 59-61 and 69-71** are rejected under 35 U.S.C. 102(a) as being anticipated by **Xu et al** (hereinafter referred as **Xu**) (U.S. Patent Number 6, 674,861B1) with European publication number: **Wo00/39955** having a (**publication date: July 6, 2000**)

7. **As per claims 1 and 37 Xu discloses a method for embedding watermarking information** [Abstract, first two lines] (A method, an apparatus and a computer program product for adaptive, content-based watermark embedding of a digital audio signal (100) are disclosed), **comprising:**

- **Providing a host signal** [figure 1, ref. Num “100”];
- **Providing data to be embedded in the host signal** [figure 1, ref. Num “102”];
- **Associating distinct input data strings of said data with distinct code sets;** [Column 8, lines 1-3] (a bit in the watermark sequence/input data to be embedded in the host signal is encoded/associated as multiple echoes/code sets while each audio frame/host signal is divided into multiple sub-frames)

- **Selecting codes from the associated code sets to represent said input data strings based on an analysis of the host signal;[column 9, lines 39- 48; column 7, lines 29-30; column 10, lines 17-19;]**
 - **Embedding said codes into the host signal to provide a watermarked signal.**
[column 10, lines 19-21; column 7, lines 30-32]
8. **As per claims 17,19, 53 and 55 Xu discloses a method for embedding watermarking information [Abstract, first two lines] (In a watermarking system, an embedder embeds one of several alternative watermark patterns that represent the source message using side information to improve robustness), comprising:**
- **Providing a host signal**[figure 1, ref. Num “100”];
 - **Providing data to be embedded in the host signal** [figure 1, ref. Num “102”];
 - **Scrambling said data with each code from a code set to provide a plurality of scrambled data sequences;** [figure 1, ref. Num “120”]
 - **Comparing each scrambled data sequence to said host signal and selecting a scrambled sequence which is a best match to said host signal;**[column 9, lines 39-48; column 7, lines 29-30; column 10, lines 17-19;] and
 - **Embedding said best matched scrambled data sequence into the host signal to provide a watermarked signal.** [Column 10, lines 19-21; column 7, lines 30-32 and figure 1, ref. Num “110”]

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9. **As per claims 23, 33, 59 and 69** Xu discloses a method for recovering embedded watermarking data from a watermarked signal,[figure 4, column 10, lines 25] (Figure 4, illustrates a process of watermark extraction.) comprising the steps of

- Receiving said watermarked signal; [Figure 4, ref. Num "110"]
- Extracting embedded codes from said watermarked signal;[Column 10, lines 43-44] and interpreting said extracted codes to recover said watermarking data;[figure 4, ref. Num "440"]
- Wherein each code represents an input string of said watermarking data, each code being selected from a code set associated with said input data string based on an analysis of a host signal to be watermarked. [Column 9, lines 39- 48; column 7, lines 29-30; column 10, lines 17-19 and figure 4]

10. **As per claims 2-3, 24, 38-39 and 60** Xu discloses a method for embedding watermarking information as applied to claims above. Furthermore Xu discloses the method wherein said associating step is based on a predefined mapping. [Figure 2, ref. Num "210"]

11. **As per claims 4 and 40** Xu discloses a method for embedding watermarking information as applied to claims above. Furthermore Xu discloses the method, further comprising: transmitting said watermarked signal to a decoder;[Figure 4, ref. Num "110"] extracting said embedded codes from said watermarked signal; and interpreting said codes to recover said data. [Figure 4]

12. **As per claims 5, 25, 41 and 61** Xu discloses a method for embedding watermarking information as applied to claims above. Furthermore Xu discloses the

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method, wherein said interpreting step comprises a many-to-one mapping of an extracted code to the associated data string. [Column 9, lines 39- 48; column 7, lines 29-30; column 10, lines 17-19]

13. **As per claims 6-7, 21, 42-43 and 57** Xu discloses a method for embedding watermarking information as applied to claims above. Furthermore Xu discloses the method, further comprising: segmenting the data into said input strings. [Figure 1, ref. Num "140"]

14. **As per claims 8 and 44** Xu discloses a method for embedding watermarking information as applied to claims above. Furthermore Xu discloses the method, further comprising: generating for each input data string a code set containing said codes. [Column 8, lines 7-11]

15. **As per claims 15 and 51** Xu discloses a method for embedding watermarking information as applied to claims above. Furthermore Xu discloses the method wherein said input strings are mapped to codes with the objective of minimizing distortion of the host signal. [Column 5, lines 43-54]

16. **As per claim 18, 34, 54 and 70** Xu discloses a method for embedding watermarking information as applied to claims above. Furthermore Xu discloses the method wherein said scrambling step comprises an XOR operation between the data and each code of the code set. [figure 1, ref. Num "120" and ref. Num "160] (Encryption meets the recitation of an "XOR" operation.)

17. **As per claim 20, 35, 56 and 71** Xu discloses a method for embedding watermarking information as applied to claims above. Furthermore Xu discloses the method wherein said generating of a plurality of scrambled data sequences at the

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decoder comprises scrambling said data with each code from a code set to provide a plurality of scrambled data sequences at said decoder. [figure 1, ref. Num "120" and figure 4, ref. Num "108"]

Allowable Subject Matter

18. **Claims 9-14, 16, 22, 26-32, 45-50, 52, 58 and 62-68** are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

19. **Claims 36 and 72** are allowed.

Conclusion

20. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.(See PTO-Form 892).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Samson B Lemma whose telephone number is 571-272-3806. The examiner can normally be reached on Monday-Friday (8:00 am---4: 30 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, BARRON JR GILBERTO can be reached on 571-272-3799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR

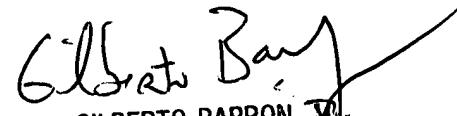
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system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SAMSON LEMMA

S.L.

10/05/2005


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